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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Latoya Leonardine Johnson,
10 Petitioner,
11 v.
12 United States of America,
13 Respondent.

No. CV-23-0054-PHX-DGC
CR-17-1354-01-PHX-DGC

ORDER

14 Pending before the Court is a third amended § 2255 motion (Doc. 11) filed by
15 Petitioner Latoya Leonardine Johnson. Respondent has filed a response (Doc. 16), and
16 Petitioner has filed a reply. Doc. 18. United States Magistrate Judge James F. Metcalf
17 has issued a report and recommendation that the motion be dismissed with prejudice and
18 that a certificate of appealability be denied (R&R). Doc. 19. No objection has been filed,
19 which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1);
20 Fed. R. Civ. P. 72(b)(3); *see also Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States*
21 *v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

22 **IT IS ORDERED:**

- 23 1. The R&R (Doc.19) is accepted.
24 2. The 2225 motion (Doc. 11) is **denied** and **dismissed with prejudice**.
25 3. A certificate of appealability and leave to proceed in forma pauperis on
26 appeal are denied.

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